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Ms. Victoria Rutson  
Director, Office of Environmental Analysis  
395 E Street, SW  
Washington, DC 20423-001

RE: Finance Docket No. 35523, CSX Transportation, Inc.—Joint Use—Louisville & Indiana Railroad Company, Inc.

Applicants have reviewed 16 comments that the Surface Transportation Board (“STB”) received on the Draft EA. The following is a summary of each comment and Applicants views on the appropriate response.

**Peoria Tribe of Indians of Oklahoma (“Peoria Tribe”).** In a comment received on September 4, 2013, the Peoria Tribe does not object to the proposed transaction. It is unaware of any objects of cultural significance or artifacts linked to the tribe located on or near the project. The tribe is also unaware of any items covered by the Native American Graves Protection and Repatriation Act (“NAGPRA”) associated with the proposed project site.

The Peoria Tribe requests notification and consultation if any items protected by NAGPRA) e.g. funerary or sacred object, objects of cultural patrimony, or ancestral human remains) are discovered during construction activities.

The Office of Environmental Analysis (“OEA”) has proposed Mandatory Mitigation (“MM”) 15, which states:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during Transaction-related construction activities, Applicants shall immediately cease all work and will notify the Board’s OEA, interested federally recognized tribes, and the Indiana SHPO or Kentucky SHPO, as appropriate, pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, the railroads, and other consulting parties, if any, to determine whether additional mitigation measures are necessary.

MM 15 resolves the issue raised by the Peoria Tribe.

**Kickapoo Tribe of Oklahoma (“Kickapoo Tribe”).** The Kickapoo Tribe filed a comment on September 23, 2013 and does not object to the proposed transaction. If

burial remains and/or artifacts are discovered during construction, the Kickapoo Tribe requests notification of such findings.

MM 15 resolves the issue raised by the Kickapoo Tribe.

**United State Department of Agriculture, Natural Resources Conservation Service (“NRCS”).** NRCS filed a comment on September 20, 2013, concluding that the proposed transaction would not cause a conversion of prime farmland.

**United State Department of the Interior, Fish and Wildlife Service (“FWS”).** On September 30, 2013, the FWS filed a comment identifying additional endangered species and recommending eight conditions. The rabbitfoot mussel was added to the FWS’s Threatened and Endangered Species List. The rabbitfoot mussel is known to exist in the Flatrock River, in Shelby County, approximately 15 river miles upstream from the Flatrock River Bridge. According to FWS a mussel habitat survey in the area of the Flatrock River Bridge replacement project may be necessary if any instream work is required, to determine if any suitable habitat is present for the rabbitfoot mussel prior to bridge construction activities. If a suitable habitat is present, a mussel survey may be warranted. FSW has asked that once final bridge plans are developed it be contacted for further consultation on the rabbitfoot mussel. Two other mussel species have become federally listed, the snuffbox mussel and the sheepnose mussel, however, based on the project description, FWS does not think the project will adversely affect these two mussel species.

Applicants volunteered mitigation (“VM”) measure 20, which states:

Before beginning Transaction-related construction activity, Applicants will survey all suitable habitats potentially impacted by the construction activity for state-listed threatened or endangered plant species. If any listed plant species are located, Applicants will implement a mitigation plan in consultation with the appropriate federal and state agencies.

VM 20 resolves the issue of the rabbitfoot mussel raised by FWS.

FSW notes that noise and vibration from increased rail traffic may have an adverse affect on the gray bat. However, FSW states that although the noise level will increase somewhat in the vicinity of the track and western part of the quarry lake and the number of times the bats are exposed to the train noise will increase, FSW believes that the bats are somewhat acclimated to these types of noises and anticipate impacts to the bats from increased noise and vibration will be insignificant and discountable.

The following conditions were recommended by FSW:

(1) Post DO NOT DISTURB signs at the construction zone boundaries in forested areas, and do not clear trees or understory vegetation outside the boundaries;



- (2) Culverts should span the active stream channel, should be either embedded or a 3-sided or open-arch culvert, and be installed where practicable on an essentially flat slope. When an open-bottomed culvert is used in a stream with good bottom substrate for aquatic habitat (gravel, cobbles, and boulders), the existing substrate should be left undisturbed beneath the culvert;
- (3) Construction bridges and culverts in wildlife habitat areas with benches and/or high water shelves for wildlife crossings;
- (4) Restrict channel work, especially low-water work, and vegetation clearing to the minimum necessary for installation of bridges or culverts;
- (5) Minimize the extent of artificial bank stabilization and use bioengineering methods wherever feasible. If riprap is used, extend it below low-water elevation to provide aquatic habitat;
- (6) Implement temporary erosion and siltation control devices such as placement of riprap check dams in drainage ways and ditches, installation of silt fences, covering exposed areas with erosion control materials, and detention basins, in accordance with INDOT specifications;
- (7) Revegetate all disturbed soil areas immediately upon project completion, using native species of plants in undeveloped areas; and
- (8) Avoid channel work in perennial and intermittent streams during the fish spawning season (April 1-June 30).

FWS's recommended conditions 4 through 7 are addressed in voluntary mitigation measures VM 12, VM 15, VM 22, VM 28, and VM 32.

VM 12. To minimize sedimentation into streams and waterways during construction, Applicants will use Best Management Practices, such as silt fences and straw bale dikes, to minimize soil erosion, sedimentation, runoff, and surface instability during Transaction-related construction activities. Applicants will seek to disturb the smallest area possible around any streams and will conduct reseeding efforts to ensure proper revegetation of disturbed areas as soon as reasonably practicable following Transaction-related construction activities.

VM 15. Applicants will employ Best Management Practices to control turbidity and disturbance to bottom sediments of surface waters during Transaction-related construction. Applicants will implement Best Management Practices in wetlands or other waters of the U.S. to avoid adverse downstream impacts on fish, mussels, and other aquatic biota.

VM 22. During Transaction-related construction, temporary barricades, fencing, and/or flagging will be used in sensitive habitats to contain construction-related impacts to the area within the existing right-of-way.

VM 28. Applicants will limit ground disturbance to only the areas necessary for Transaction-related construction activities.

VM 32. During Transaction-related construction activity, Applicants will take reasonable steps to ensure contractors use fill material appropriate and in accordance with applicable regulations for the project area.

To address FSW's recommended condition 8, OEA's MM 13 should be changed as follows:

MM 13. ~~During replacement of the Flatrock River Railroad Bridge,~~  
Applicants shall avoid ~~stream-channel disturbance-work in perennial and~~  
~~intermittent streams (including the replacement of the Flatrock River Railroad~~  
~~Bridge)~~ during the primary fish spawning season (April 1 through June ~~4530~~.)

**State of Indiana Department of Natural Resources, Division of Fish and Wildlife (INDNR).** INDNR filed a comment on October 3, 2013, identifying Chestnut Ridge Seep Springs, an acid seep (a rare wetland type), located within one half mile of the proposed Crothersville siding. Because of this INDNR recommends that construction activities at this site remain within the right-of-way, with special care taken to prevent impacts to the adjacent acid seep and other wetlands, including siltation impacts from runoff. Additionally, INDNR states that no stockpiling, earthmoving, parking, or equipment staging should take place outside of the right-of-way in this area. INDNR has documented the four-toed salamander in the Chestnut Ridge Seep Springs and recommends that to minimize impacts to this species that no work take place in this area during the egg laying/hatching season, April 1 through June 1. With regard to the Flatrock River bridge removal, INDNR recommends that Applicants develop a mitigation plan if habitat impacts will occur.

Addition of the following mitigation measure would resolve the issue with the four-toed salamander: To minimize impacts to the four-toed salamander in Chestnut Ridge Seep Springs, no work will take place in the area during the egg laying/hatching season (April 1 through June 1).

Applicants volunteered mitigation measure 20, which states:

Before beginning Transaction-related construction activity, Applicants will survey all suitable habitats potentially impacted by the construction activity for state-listed threatened or endangered plant species. If any listed plant species are located, Applicants will implement a mitigation plan in consultation with the appropriate federal and state agencies.

VM 20 resolves INDNR's concern with removal of the Flatrock River Bridge.

INDNR also recommends the follow 10 additional conditions:



- (1) Revegetate all bare and disturbed areas with a mixture of native grasses, sedges, wildflowers, and native shrub and hardwood tree species as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plant.
- (2) Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush.
- (3) Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
- (4) Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.
- (5) Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.
- (6) Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.
- (7) Plant native hardwood trees along the top of the bank and right-of-way to replace the vegetation destroyed during construction.
- (8) Post "Do Not Mow or Spray" signs along the right-of-way
- (9) Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
- (10) Seed and protect disturbed stream banks that are 3:1 or steeper with heavy-duty biodegradable erosion control blankets; seed and apply mulch on all other disturbed areas.

Voluntary mitigation measures VM 12, VM 15, VM 22, VM 28, and VM 32 as discussed above address INDNR's recommended conditions 1, 2, 9, and 10.

INDNR's recommended condition 3 is addressed by modifying OEA's MM 13 as discussed above.

INDNR's recommended condition 4 is resolved by VM 21, which states:

In order to avoid a take of the federally endangered Indiana bat, Applicants will not clear trees during its roosting period (April –September 30).

INDNR is concerned that the noise footprint will expand with the Upgrade and that the noise impact may have a negative effect on the gray bat colony near the rail line in Sellersburg, and therefore INDNR recommends additional coordination with FSW.

As noted above FSW has concluded that the noise impact to the gray bat colony will be insignificant and discountable.

**Dale Sedler ("Sedler").** Sedler filed a comment on September 9, 2013 requesting that the bridge over Hurricane Creek in Franklin, IN be replaced.

The upgrade contemplates replacing the rail and decking on the bridge but not the existing structure. The condition created by the bridge over Hurricane Creek (near MP 20.7) is an existing condition that is not caused by the Proposed Transaction.

**Janie Alexander (“Alexander”).** Alexander filed comments on September 30, 2013, requesting the Board consider the safety of the 3 crossings in Austin that do not have barriers and the noise of train whistles.

Applicants have volunteered mitigation measures VM 35 and VM 55 which state:

VM 35. Applicants will cooperate with the appropriate state and local agencies and municipalities to:

- Evaluate the possibility that roadways listed in Table C-1 (Appendix C) of the Draft EA could be closed at the point where it crosses the Line, in order to eliminate the at-grade crossing;
- Improve or identify modifications to roadways that would reduce vehicle delays by improving roadway capacity over the crossing by construction of additional lanes;
- Assist in a survey of highway/rail at-grade crossings for a determination of the adequacy of the existing grade crossing signal systems, signage, roadway striping, traffic signaling inter-ties, and curbs and medians; and
- Identify conditions and roadway, signal, and warning device configurations that may trap vehicles between warning device gates on or near the highway/rail at-grade crossing.

VM 55. Applicants will cooperate with interested communities along the Line for the establishment of quiet zones (QZ) and assist in identifying supplemental or alternative safety measures, practical operational methods, or technologies that may enable the community to establish QZ.<sup>1</sup>

The crossings in Austin are in Table C-7 and Applicants believe that VM 35 and VM 55 address Alexander’s concerns.

**Indiana Department of Natural Resources (“INDNR”).** INDNR submitted substantive comments on October 3, 2013.

The only historic issue raised by INDNR concerns the Flatrock River Bridge. INDNR no longer opposes replacement of the Flatrock River Bridge. However, INDNR does suggest that the bridge could be considered eligible for inclusion in the National Register of Historic Places and recommends that the Flatrock River Bridge be

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<sup>1</sup> Applicants’ willingness to cooperate does not commit Applicants to expend funds on a physical project.

documented prior to removal according to DHPA Minimum Architectural Documentation Standards.

CSXT has retained Butler Fairman & Seufert, Civil engineers, to document the Flatrock River Bridge according to DHPA Minimum Architectural Documentation Standards. CSXT recommends that MM 14 be modified to read as follows:

CSXT and L&I shall retain their interest in and take no steps to alter the historic integrity of the Flatrock River Bridge until it has been documented according to DHPA Minimum Architectural Documentation Standards and the documentation has been provided to the INDNR all historic properties including sites, buildings, structures, bridges and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. CSXT and L&I shall report back to the Board's OEA regarding upon completion of the documentation and provide a copy of the documentation to OEA, any consultations with the Indiana SHPO, Kentucky SHPO and the public. ~~CSXT and L&I may not initiate any Transaction-related construction activities (including but not limited to siding construction and bridge replacement) until the Section 106 process has been completed and the Board has removed this condition.~~

INDNR also concluded that no archaeological investigations appear necessary. However, INDNR requests that if any impacts are to occur within 100 feet of a cemetery that a development plan be prepared and submitted to INDNR for approval.

Addition of the following mitigation measure would resolve this issue: If construction will occur within 100 feet of a cemetery, then Applicants must prepare and submit a development plan to INDNR for approval.

INDNR also requests that it be notified within two business days if any archaeological artifacts or human remains are uncovered during earthmoving activities.

The following modification to MM 15 resolves this issue.

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during Transaction-related construction activities, Applicants shall immediately cease all work and will notify the Board's OEA, interested federally recognized tribes, and the Indiana SHPO or Kentucky SHPO, as appropriate, pursuant to 36 C.F.R. § 800.13(b). Notice must be given to the Indiana SHPO within 2 business days. OEA will then consult with the SHPO, interested federally recognized tribes, the railroads, and other consulting parties, if any, to determine whether additional mitigation measures are necessary.

**Rodney E. Farrow (“Farrow”).** Mr. Farrow filed a comment on September 26, 2013, mainly concerned with traffic delays from additional CSXT trains traveling through Seymour, IN. Farrow indicates that a separated grade crossing on the L&I Line in Seymour would alleviate any congestion and also recognizes that the cost of a grade separation would require substantial financial contributions.

Farrow also indicates that the Hamilton Township Fire Station is not in Seymour but in Courtland, more than three miles from the line. Mr. Farrow also notes that the Redding Township Fire District has a new station in the community of Rockford at High Street and Reddington Street on the east side of the L&I Line.

OEA did not prepare a detailed analysis of the Reddington Street crossing because they did not meet the transportation analysis thresholds for highway/rail at-grade crossings which requires analysis if: (1) expected 2014 traffic volumes greater than 2,500 average daily traffic (ADT) on intersecting roadways; or (2) there is a change of three or more trains per day on roadways with greater than 2,500 ADT; or (3) crossings are closer than 800 feet apart. The expected ADT for Reddington Street is less than 2,500 ADT. “Impacts on roadways with average daily traffic volumes below 2,500 and the additional vehicular delay that would result from Transaction-related increased train traffic would be minimal.” Draft EA at 3-3. Therefore, the new fire station at High Street and Reddington Street would experience minimal delays.

**Town of Edinburgh (“Edinburgh”).** Edinburgh filed a comment on September 24, 2013, expressing concern over the impact of increased traffic on emergency services. The Edinburgh Fire Station and EMS Rescue are located at 203 S. Walnut Street, within 500 feet of the L&I Line and the Edinburgh Police Department is located at 200 S. Main Street, about 1,000 feet from the L&I Line, both on the west side of the L&I Line.

While the Edinburgh Emergency Service Providers were unintentionally left off of the list of Emergency Service Providers within Two Miles of the Line Table C-7, they do not meet the criteria that OEA uses to evaluate the potential effects of at-grade crossings blocked by passing trains on emergency service providers. OEA initially identifies “at-grade crossings at which vehicle delay would increase by 30 seconds or more per vehicle and 30 minutes or more per day for all vehicles as a result of the Proposed Transaction...” Draft EA at 3-13. With regard to the Center Cross Street crossing, the total vehicle delay would increase more than 30 minutes per day, but the delay per vehicle would not increase by 30 seconds or more. Therefore, the Center Cross Street crossing would not have been analyzed further in the Draft EA.

**Town of Sellersburg (“Sellersburg”).** Sellersburg filed a comment on September 23, 2013, expressing concern over the impact of the increased traffic on



emergency response times, horn noise, and the lack of cross bars at 4 out of 5 railroad crossings within Sellersburg limits. One of these crossings is the main thoroughfare to the local park.

With the exception of SR #403, none of the crossings in Sellersburg meet the transportation analysis thresholds for highway/rail at-grade crossings. They all carry less than 2,500 ADT. Under the Proposed Transaction, the average delay per vehicle at SR #403 will be less than it is currently.

As discussed below in response to the Columbus Area Metropolitan Planning Organization comments, Applicants have suggested voluntary mitigation measures VM 33, VM 34, VM 35, VM 37, and VM 49, which address ways to reduce at-grade crossings blockages.

Applicants voluntary mitigation measures VM 5, VM 36 and VM 38, address Sellersburg's concerns about crossings near the park and other crossings and read as follows:

VM 5. Within six months of Applicants' initiating operational changes associated with the Proposed Transaction, Applicants will cooperate with school and park districts to identify at-grade crossings where additional pedestrian warning devices may be warranted.

VM 36. For up to three years from the date that Applicants' initiate operational changes associated with the Proposed Transaction, CSXT will make Operation Lifesaver programs available to communities, schools, and other appropriate organizations located along the Line.

VM 38. Applicants will continue on-going efforts with community officials to identify elementary, middle, and high schools within 0.5 miles of the Line's right-of-way and provide, upon request, informational materials concerning railroad safety to such identified schools.

With regard to horn noise, as stated in VM 55 "Applicants will cooperate with interested communities along the Line for the establishment of quiet zones (QZ) and assist in identifying supplemental or alternative safety measures, practical operational methods, or technologies that may enable the community to establish QZ."<sup>2</sup>

**Jackson County Emergency Medical Services ("Jackson EMS").** Jackson EMS filed a comment on September 19, 2013, expressing concern over the impact of

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<sup>2</sup>Applicants' willingness to cooperate does not commit Applicants to expend funds on a physical project.

increased traffic on emergency response times. The Jackson EMS and Schneck Hospital are located west of the Line while a majority of the population of Seymour lives east of the Line.

OEA has proposed MM 4, which states:

To assist with the timely response of emergency service providers transporting patients to Schneck Medical Center, Applicants shall consult with appropriate emergency service providers (e.g. including the Seymour and Hamilton fire departments in Seymour, IN) to install a closed-circuit television system (CCTV) with video cameras (or another comparable system or acceptable option) so that train movements and blocked at-grade crossings within the City of Seymour can be monitored in real time. Applicants shall pay for the necessary equipment, equipment installation, and equipment training for up to two individuals from each affected emergency service provider. Applicants shall work with the appropriate emergency service providers to determine specifications and scheduling for the installation of the system. Once installed and operational, Applicants shall be responsible for the ongoing maintenance of the system.

MM4 addresses the issues raised by Jackson EMS. Jackson EMS is an affected emergency service provider under MM 4. As such, Applicants will consult with Jackson EMS to fulfill this mitigation measure.

**Columbus Fire Department (“Columbus FD”).** Columbus Fire Department filed a comment on September 20, 2013, stating that they had no comment regarding the general regulations regarding the Proposed Transaction. As the regional Haz-Mat response team provider, it was concerned about a spill or accident within Columbus or Bartholomew County.

Voluntary mitigation measures VM 40-VM 48 resolve Columbus FD’s concerns and address hazardous materials issues, including: training, spills/accidents, and communications.

**Schneck Medical Center (“Schneck”).** Schneck filed a comment on September 27, 2013, expressing concern over the impact of increased traffic on community safety and emergency services response times. Schneck is concerned that the Proposed Transaction: will increase emergency service response times to the I-65 corridor, which runs east of the city; will extend transfer times of critical patients to the hospital and to other hospitals north and south of Seymour; and will extend cardiac catheterization response time when transferring patients to the cardiac catheterization lab at Columbus Regional Hospital north of Seymour. Schneck is also concerned with the lack of crossing mechanisms as well as visibility issues at crossings and the speed of trains moving through the community. Finally, Schneck voices concerns about blocked crossings.

OEA has proposed MM 4, which states:

To assist with the timely response of emergency service providers transporting patients to Schneck Medical Center, Applicants shall consult with appropriate emergency service providers (e.g. including the Seymour and Hamilton fire departments in Seymour, IN) to install a closed-circuit television system (CCTV) with video cameras (or another comparable system or acceptable option) so that train movements and blocked at-grade crossings within the City of Seymour can be monitored in real time. Applicants shall pay for the necessary equipment, equipment installation, and equipment training for up to two individuals from each affected emergency service provider. Applicants shall work with the appropriate emergency service providers to determine specifications and scheduling for the installation of the system. Once installed and operational, Applicants shall be responsible for the ongoing maintenance of the system.

Applicants believe that MM4 addresses Schneck's concerns regarding response times because it will give the hospital real time information on where a train is and whether to use an alternate route.

Applicants have volunteered several mitigation measures (VM 34 through VM 39) that resolve crossing safety issues.

Applicants have also volunteered VM 49 which OEA has supplemented with MM 3 to address blocked crossings:

VM 49 Applicants will notify appropriate Emergency Services Dispatching Centers on the Line of all crossings blocked by trains that are stopped and may be unable to move for a significant period of time. Applicants will work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through dedicated toll-free telephone number.

MM 3 To supplement VM 49, once Transaction-related train traffic begins to move on the Line, Applicants shall promptly notify the appropriate Emergency Service Dispatching Center(s) when a stopped or slowly moving train will not clear a public at-grade crossing within 10 minutes.

VM 49 and MM 3 resolve the blocked crossing issues.

**Columbus Area Metropolitan Planning Organization ("CAMPO").** CAMPO filed a comment on September 30, 2013, expressing concern about the impact of increased traffic on the movement of people and goods in Columbus. CAMPO notes that



the SR #46 and Line crossing is a very high traffic area. CAMPO states that SR #46 is a main corridor in the city for traveling east-west and that there are no reasonable alternatives. According to CAMPO, new development in Columbus has been west of the Line but schools, hospitals; employment centers and governmental facilities are east of the Line. CAMPO is concerned that while there are emergency services on both sides of the Line, they use the SR #46 corridor to share resources when necessary. CAMPO has looked into a grade separation at this location and has concluded that it would be difficult and expensive to develop an overpass that would allow the use of existing bridges for SR #46. And instead suggests a realignment of the railroad.

CAMPO is also concerned that increased train traffic will occur but that the increased traffic will move slowly because the upgrade could take 7 years to complete.

Applicants do not believe that CAMPO has provided the necessary justification for a grade separation. While the total delay would be over 40 hours for SR #46, the mobility of the community surrounding SR #46 would not be impaired based on OEA's analysis. Applicants believe that the recommended mitigation measures address CAMPO's concerns.

OEA conducted additional analysis of the mobility of the community surrounding SR #46 and determined that the Proposed Transaction is not expected to reduce mobility of the community of Columbus, IN in the area of the SR #46 crossing. Draft EA 3-6. As part of that analysis, OEA determined that the queue length under the Proposed Transaction would not block any major roads to the east or the west of SR #46. There is one fire station located near the Line but five other fire stations that could provide emergency response if the SR #46 crossing was blocked by a train.

Applicants VM 33, VM 34, VM 35, VM 37, and VM 49, respond directly to CAMPO's concerns. Applicants propose to examine planned train operations for ways of reducing highway/rail at-grade crossing blockages. Applicants would also cooperate with the appropriate state and local agencies and municipalities to: evaluate the possibility that one or more roadways listed in Table C-6 could be closed at the point where it crosses the Line, in order to eliminate the at-grade crossing; improve or identify modifications to roadways that would reduce vehicle delays by improving roadway capacity over the crossing by construction of additional lanes; assist in a survey of at-grade crossings for a determination of the adequacy of existing grade crossing signal systems, signage, roadway striping, traffic signaling inter-ties, and curbs and medians; and identify conditions and roadway, signal, and warning device configurations that could trap vehicles between warning device gates on or near the at-grade crossing. Additionally, Applicants would install power switches along the Line where they determine that manual switches could cause stopped trains to block grade crossings for excessive periods of time and that power switches would increase the speed of trains and reduce the likelihood of such blockages.

October 31, 2013

Page 13 of 13

In addition to Applicants VM's, OEA has recommended the establishment of a Community Liaison (MM 16) and MM 3 which reads "To supplement VM 49, once Transaction-related train traffic begins to move on the Line, Applicants shall promptly notify the appropriate Emergency Services Dispatching Center(s) when a stopped or slowly moving train will not clear a public at-grade crossing within 10 minutes.

Increased train traffic will not occur until the upgrades are in place to handle the increased traffic at the FRA Class 4 standards.

**Indiana Department of Transportation ("INDOT").** INDOT filed comments October 2, 2013, expressing concern over the Section 106 Historic Preservation process. Based on the comments received from the Indiana State Historic Preservation Office, Applicants believe that INDOT's concerns have been addressed.

If you have any questions or concerns or if you need additional information, please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Melanie B. Yasbin', written over a horizontal line.

Melanie B. Yasbin

Attorney for CSX Transportation, Inc.